

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A "PRIOR" PATENT**

Docket No. 00-505-B

In Re Application of: Progulske-Fox

Application No.: 09/980,845

Filed: April 8, 2002

For: Microbial Polynucleotides Expressed During Infection of a Host

The owner, Oragenics, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of prior patent No. 7,033,748 as the term of 7,033,748 is defined in 35 U.S.C. 154 and 173, and as the term of 7,033,748 is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and 7,033,748 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of 7,033,748, "as the term of any said prior patent is presently shortened by any terminal disclaimer," in the event that said 7,033,748 later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. Further, under 37 CFR 3.73(b), the undersigned certifies that Organics, Inc. is the assignee of record of the entire interest in this application, by virtue of assignments, recorded in the U.S. Patent and Trademark office at Reel 012790, Frame 0971; Reel 018567, Frame 0890; and Reel 018694, Frame 0778.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed: /Lisa M.W. Hillman/

Lisa M.W. Hillman, Ph.D.

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Date: April 10, 2009

☒ Please charge the terminal disclaimer fee (\$140.00) under 37 CFR 1.20(d) to Deposit Acct. 13-2490.